

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-147696-001 DT

05/31/2013

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
T. Gatz
Deputy

STATE OF ARIZONA

RACHEL PHIPPS-YONAS

v.

DAN P WHITEHEAD (001)

THOMAS M HOIDAL

**SETTLEMENT CONFERENCE
COMPLEX CASE MANAGEMENT CONFERENCE/
FINAL TRIAL MANAGEMENT CONFERENCE/ TRIAL AFFIRMED**

11:21 a.m.

Courtroom 6B SCT

State's Attorney:	Rachel Phipps-Yonas
Defendant's Attorney:	Thomas Hoidal
Defendant:	Present

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Settlement Conference.

Discussion is held.

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The Settlement Conference focused on the offer presented by the State. Certain potential impediments were identified but through the work of the assigned prosecutor and the authority she has secured from her office, the impediments have been removed.

The offer to be considered by the Defendant would involve him pleading to guilty to one count of sexual abuse. For that count it would be a no agreements plea, keeping open the potential for probation as well as a prison term. Additionally, Defendant would plead no contest to two counts of furnishing pornography or harmful materials. The no contest plea would be based upon Defendant making an avowal that he lacks recollection because of the passage of time. For those two counts, a stipulated sentence would be four years of probation for each offense with the probation to run consecutive with one another. As an additional term to the settlement, the latest disclosure of a purported offense would not result in any additional charges filed against Defendant. The plea is silent as to whether a probation grant on the sex abuse charge would be concurrent or consecutive to the probation on the other two counts.

The parties are scheduled to appear before Judge Bassett for a Complex Case Management Conference. The State has indicated that it shall keep its offer open until at least that date. If Defendant enters into a plea agreement the State has agreed if request by Defendant Sentencing may be scheduled in this Division.

IT IS ORDERED affirming the Complex Case Management Conference scheduled for June 5, 2013 at 8:30 a.m. before Judge Bassett, Final Trial Management Conference set for July 22, 2013 at 8:30 a.m. before Judge Bassett and Trial set for August 1, 2013 at 8:00 a.m. before the Master Calendar Assignment Judge in Courtroom 5B in the South Court Tower.

LAST DAY REMAINS: August 30, 2013

IT IS ORDERED affirming prior release orders.

11:42 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.